THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18383 of 2006

Dated: 15-09-2006

Between:

R. Shobha Bhai and another.

..... PETITIONERS

AND

The Sub Registrar, Chempapet, R.R. District, and six others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18383 of 2006

ORDER:

Petitioner No.1 is wife of petitioner No.2. Petitioner No.2 purchased house site admeasuring an extent of 267 sq. yards in survey No.140 situated at Almasguda Village, Saroornagar Mandal, R.R. District, under a registered sale deed dated 23.09.1998 from one S. Bal Reddy, S/o Sam Reddy, which was registered by respondent No.1. They were allegedly in possession of the property. When respondent No.6 tried to interfere with their possession, aggrieved by the same, they filed a suit, being O.S.No.2893 of 2006, against one Buchi Reddy, husband of respondent No.6, for perpetual injunction. The same is pending. In this writ petition, the petitioners allege that respondent No.1 registered other documents irregularly in respect of subject property without verifying the connected/link documents. Therefore, they seek appropriate writ of Mandamus declaring the action of respondent No.1 in registering various documents in respect of subject property as illegal and arbitrary and for a further direction to respondent No.1 to conduct enquiry against respondent Nos.2 to 5.

After hearing the learned counsel for the petitioners and perusing the material on record, this Court is of the considered opinion that the grievance of the petitioners cannot be redressed in a writ petition. It is the allegation of the petitioners that the subject property, which was sold to them by S. Bal Reddy, S/o Sam Reddy, was again registered in favour of others in a collusive manner. In such case, if the petitioners are aggrieved by any subsequent sale deed, which might affect their rights, their remedy lies in filing a suit for cancellation of such sale deed under Section 31 or for declaration of title under Section 34 of the Specific Relief Act, 1963, and the writ petition is not proper remedy. Therefore, without expressing any opinion on merits of the case, liberty is given to the petitioners to avail appropriate common law remedy.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

15th September, 2006

ghn